

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT.

OAH CASE NO. 2014020175

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On June 6, 2014, Ross Valley School District filed with the Office of Administrative Hearings a request to continue the initially set dates in this matter, after Student's filing of his amended complaint, based upon unavailability of witnesses for the July 14, 2014 hearing date. On June 18, 2014, Student opposed the request based upon prejudice to Student for delaying the hearing, and that District witnesses are available for hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. District established unavailability of numerous, relevant witnesses through the start of the 2014-2015 school year. Student's amended complaint, moved the hearing from the continued dates of June 10 – 12, 2014, to July 14, 2014, and caused previously available witnesses to be unavailable. Student failed to

establish sufficient prejudice caused by continuing the hearing until the beginning of September 2014. This matter will be set as follows:

Prehearing Conference:	August 22, 2014, at 1:00 PM
Due Process Hearing:	September 2, 2014, at 1:30 PM and September 3 and 4, 2014, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: June 19, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings